

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	04-00270-01-CR-W-SOW
CLEOPHUS JAMES,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on May 13, 2005. Defendant Cleophus James appeared in person and with Assistant Federal Public Defender Laine Cardarella. The United States of America appeared by Assistant United States Attorney Linda Marshall.

I. BACKGROUND

On September 7, 2004, an indictment was returned charging defendant with one count of armed bank robbery, in violation of 18 U.S.C. §§ 2113(a) and (d); one count of carjacking, in violation of 18 U.S.C. § 2119; two counts of using a firearm during a crime of violation, in violation of 18 U.S.C. § 924(c); and one count of possessing a firearm and ammunition after having been convicted of felonies, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Marshall announced that she and Dan Nelson will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Jeff Harris, FBI.

Ms. Cardarella announced that she will be the trial counsel for defendant Cleophus James. Ron Ninemire will assist.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Marshall announced that the government intends to call 24 witnesses without stipulations or 20 witnesses with stipulations during the trial.

Ms. Cardarella announced that defendant Cleophus James intends to call 10 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Marshall announced that the government will offer approximately 75 exhibits in evidence during the trial.

Ms. Cardarella announced that defendant Cleophus James will offer approximately two to three exhibits in evidence during the trial.

VI. DEFENSES

Ms. Cardarella announced that defendant Cleophus James will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Cardarella stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, prior felony conviction, FDIC loss amount by bank, and tellers as employees of the bank.

IX. TRIAL TIME

Counsel were in agreement that this case will take three to four days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed January 18, 2005, counsel for each party file and serve a list of exhibits she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by May 13, 2005;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, May 18, 2005;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, May 18, 2005. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on May 23, 2005. Ms. Cardarella needs to case to be tried on the first week of the docket because she is scheduled to be out of town the second week.

/s/ Robert E. Larsen

ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
May 13, 2005

cc: The Honorable Scott Wright
Ms. Linda Marshall
Ms. Laine Cardarella
Mr. Jeff Burkholder